

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

MAY 07 2010

BY DAVID J. WILKINS, CLERK  
DEPUTY

FUTUREWEI TECHNOLOGIES INC.,  
D/B/A HUAWEI TECHNOLOGIES (USA)  
Plaintiff,

V.

E. OLIVER CAPITAL GROUP, LLC,  
MIO GROUP, LTD.,  
MIO GROUP INCORPORATED, and  
GILBERT R. ARMENTA,  
Defendants.

CAUSE NO. 4:09CV455

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

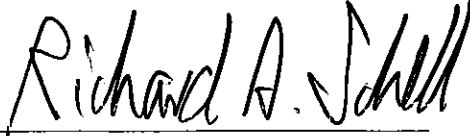
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 15, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss and Compel Arbitration (Dkt. 9) should be DENIED in part and GRANTED in part, that Plaintiff's claims against Defendants be referred to arbitration, and that this matter be stayed until the arbitration has been completed.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendants' Motion to Dismiss and Compel Arbitration (Dkt. 9) is DENIED

in part and GRANTED in part, Plaintiff's claims against Defendants shall be referred to arbitration, and this matter shall be stayed until the arbitration has been completed.

**IT IS SO ORDERED.**

SIGNED this 6<sup>th</sup> day of May, 2010.

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE